

Appl. No. 09/601,868

Amendment dated September 13, 2004

Reply to Non-Final Office Action of May 20, 2004

REMARKS

Claims 10-12 are rejected under 35 USC 102(b) as being anticipated by Rondeau et al. (WO 97/39727). In view of the cancellation of claims 10-14, this rejection is now rendered moot and may be withdrawn.

Claims 13-25 are rejected under 35 USC 103(a) as being unpatentable over Rondeau et al. Reconsideration and withdrawal of this rejection in view of the foregoing amendment is respectfully requested.

Rondeau et al. disclose formulations, kits and methods for the coloring of keratin fibers. These coloring formulations are segregated into 3 components, A, B and C. Component A contains an oxidation dye precursor and, optionally, a coupler; B contains a direct dye; and, C contains the oxidizing agent.

In contrast, Applicants claim a method and kit for permanently waving hair while contemporaneously coloring the hair with a cationic dye. Applicants method employs a two-package process, thus eliminating the use of 3 separate components, as is required by the process of the reference. Further, the reference fails to disclose the reducing agents intended to react with the disulfide bonds within the hair structure that are necessary to deform the hair shaft in a permanent wave process. Rondeau et al. fail to disclose or even suggest any of these elements. It is respectfully submitted that the absence of these elements

Appl. No. 09/601,868

Amendment dated September 13, 2004

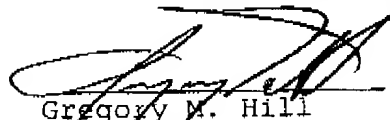
Reply to Non-Final Office Action of May 20, 2004

in the reference therefore fails to support a finding of prima facie obviousness.

CONCLUSION

In view of the amendments and remarks above, Applicants ask for reconsideration and allowance of all pending claims. Applicants further ask for extension of the period for response to be extended one month to September 20, 2004 and authorize a charge to Deposit Account No. 01-1250 in the amount of \$ 110.00 for the extension fee. Order No. 04-0336. Should any fees be due for entry and consideration of this Amendment that have not been accounted for, the Commissioner is authorized to charge them to Deposit Account No. 01-1250.

Respectfully submitted,



Gregory M. Hill

(Reg. No. 31,369)

Attorney for Applicants

610-278-4964

GMH/img

Henkel Corporation
Patent Law Department
2200 Renaissance Blvd., Suite 200
Gulph Mills, PA 19406